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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

American Civil Liberties Union of  
Arizona,

Plaintiff,

v.

U.S. Immigration and Customs  
Enforcement; U.S. Department of  
Homeland Security,

Defendant.

No.

**COMPLAINT**

**Introduction**

1. The American Civil Liberties Union of Arizona (“the ACLU of Arizona”) seeks injunctive and other appropriate relief, pursuant to 5 U.S.C. § 552, including the immediate processing and release of agency records improperly withheld by Defendants United States Department of Homeland Security (“DHS”) and its sub-agency U.S. Immigration and Customs Enforcement (“ICE”).

1           2.       On September 24, 2018, the ACLU of Arizona submitted a Freedom of  
2 Information Act (“FOIA”) request seeking records related to the day-to-day operations of  
3 the Law Enforcement Support Center (“LESC”), a component entity housed within ICE.  
4 A copy of the request is attached as **Exhibit A**.

5           3.       The LESC provides immigration status, identity information, and real-time  
6 assistance to local, state, and federal law-enforcement agencies regarding people who  
7 come into contact with local and state law enforcement officers.

8           4.       In particular, the LESC serves as the single national point of contact to  
9 provide timely immigration status information to local law enforcement officers when a  
10 local officer stops a driver for a traffic offense and subsequently develops suspicion that  
11 the driver may be in violation of federal immigration laws. The ACLU of Arizona seeks  
12 the requested records in order to shed light on the nature of these routine interactions  
13 between local police and the federal agency that is primarily responsible for enforcing  
14 federal immigration laws.

15          5.       To date, Defendants have not produced any records responsive to the  
16 ACLU of Arizona’s September 24, 2018 FOIA request.

17                               **Jurisdiction and Venue**

18          6.       The subject matter and parties fall under this Court’s jurisdiction under  
19 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 701–706, and 28 U.S.C. § 1331.

20          7.       The ACLU of Arizona’s principal place of business is in the District of  
21 Arizona; venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

22                               **Parties**

23          8.       The ACLU of Arizona is a nonprofit, 501(c)(4) organization and is the state  
24 affiliate organization of the national American Civil Liberties Union (“National ACLU”),  
25 with approximately 18,000 supporters in Arizona. The National ACLU is a nationwide,  
26 nonprofit, nonpartisan organization dedicated to protecting civil liberties and human  
27 rights in the United States. Both the ACLU of Arizona and the National ACLU work daily  
28 in courts, legislatures, and local communities to defend and preserve the individual rights

1 and liberties that the Constitution and laws of the United States guarantee everyone in  
2 this country. The ACLU of Arizona has a particular commitment to ensuring that  
3 fundamental constitutional protections of due process, equal protection, and freedom  
4 from unreasonable searches and seizures are extended to every person, regardless of  
5 citizenship or immigration status. Additionally, the ACLU of Arizona educates the public  
6 about civil liberties issues that are frequently revealed through government records made  
7 public through FOIA and similar state statutes.

8 9. Defendant Department of Homeland Security is a department of the  
9 Executive Branch of the U.S. Government and is an agency within the meaning of  
10 5 U.S.C. § 552(f)(1).

11 10. Defendant U.S. Immigration and Customs Enforcement is a component of  
12 DHS and is a federal agency within the meaning of 5 U.S.C. § 552(f)(1).

13 11. Defendants have possession, custody, or control of the requested records.

14 **Facts**

15 12. On September 24, 2018, the ACLU of Arizona sent its request for records  
16 by email and by certified mail, with a United States Postal Service tracking number of  
17 70172620000113534301.

18 13. The ACLU of Arizona emphasized that the documents responsive to the  
19 request would “allow the public to better understand what transpires when a local law  
20 enforcement officer contacts LESC to assist in determining an individual’s federal  
21 immigration status” and that the ACLU of Arizona “intends to share responsive  
22 documents with the general public and to analyze specific documents to raise public  
23 awareness of this unique form of interaction between local and federal law enforcement.”  
24 The ACLU of Arizona’s request also includes a request for a fee waiver or limitation  
25 under 5 U.S.C. § 552(a)(4)(A)(iii) because the disclosure of the requested records is in  
26 the public interest and not in the ACLU of Arizona’s commercial interest, and because  
27 the ACLU of Arizona qualifies as a “representative of the news media.”  
28



21. Under FOIA, the ACLU of Arizona also has a legal right to promptly obtain the specific agency records specified in its September 24, 2018 request, which Defendants currently maintain, possess, or control in their custody.

22. There exists no legal basis for Defendants' failure to make the requested records promptly available to the ACLU of Arizona, its members, and the public.

23. Defendants' failure to promptly make available the records requested violates FOIA, 5 U.S.C. § 552(a)(3)(A), and applicable regulations promulgated thereunder.

**REQUESTED RELIEF**

WHEREFORE, the ACLU of Arizona requests that the Court award it the following relief:

24. Declare that Defendants violated FOIA by failing to determine whether to comply with the ACLU of Arizona's request within 20 business days and by failing to immediately thereafter notify the ACLU of Arizona of such determination and the reasons therefor;

25. Declare that Defendants violated FOIA by unlawfully withholding the requested records;

26. Order Defendants to immediately disclose the requested records to the public and make copies immediately available to the ACLU of Arizona without charge for any search or duplication fees;

27. Award the ACLU of Arizona its costs and attorneys' fees; and

28. Grant such other relief as the Court may deem just and proper.

DATED this 19th day of December 2018.

**STINSON LEONARD STREET LLP**

By: /s/ Larry J. Wulkan

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